

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A gastric reduction device comprising:  
an expandable structure, placeable in a stomach, the expandable structure, when expanded, occupying a portion of the stomach;  
means for evacuating the stomach to deflate ~~an evacuator that deflates~~ the stomach around the expandable structure when the expandable structure is expanded to form a gastric reduction pouch, the ~~evacuator~~ evacuating means deflating the stomach around the expandable structure while the expandable structure is inflated; and  
a fastener that secures an annular fold of the stomach adjacent a distal end of the expanded expandable structure to maintain the gastric reduction pouch, the fastener being positioned distal to the expandable structure when the fastener is initially secured to the annular fold of the stomach.
2. (original) The device of claim 1 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.
3. (original) The device of claim 1 wherein the expandable structure comprises a balloon.
4. (original) The device of claim 1 wherein the expandable structure is an inflatable structure.
5. (original) The device of claim 4 wherein the inflatable structure is a compliant balloon.
6. (original) The device of claim 4 wherein the inflatable structure is a non-compliant balloon.

7. (Currently Amended) The device of claim 1 wherein the ~~evacuator~~ evacuating means extends distally from the expandable structure and terminates within the stomach.

8. (Currently Amended) The device of claim 1 wherein the [evacuator] evacuating means extends through the expandable structure, wherein the fastener is carried on the ~~evacuator~~ evacuating means, and wherein the device further comprises a pusher that pushes the fastener through the expandable member.

9. (Previously presented) The device of claim 1 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

10. (Previously presented) The device of claim 1 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

11. (Currently Amended) The device of claim 1 wherein the ~~evacuator~~ evacuating means comprises an endoscope that extends through the expandable structure.

12. (Previously presented) The device of claim 1 wherein the expandable structure forms a spherically shaped ring when expanded.

13. (Currently Amended) The device of claim 12 wherein the spherically shaped ring includes an axial passageway and wherein the ~~evacuator~~ evacuating means extends through the passageway.

14. (Currently Amended) A gastric reduction system, comprising:  
an expandable structure, placeable in a stomach and, when expanded, occupying a fractional volume of the stomach;

means for evacuating the stomach to deflate ~~an evacuator that deflates the~~ stomach and ~~[[draws]]~~ draw the stomach to and around the expandable structure to form a gastric reduction pouch with stomach tissue when the expandable structure is expanded, the ~~evacuator~~ evacuating means deflating the stomach around the expandable structure while the expandable structure is inflated;

a fastener that is operable to maintain the gastric reduction pouch and positioned at a distal end of the gastric pouch, the fastener being positioned distal to the expandable structure when the fastener is initially secured to maintain the gastric reduction pouch; and

a pusher, separate from the expandable structure, that pushes the fastener into a deployed position to maintain the gastric reduction pouch..

15. (original) The system of claim 14 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.

16. (original) The system of claim 14 wherein the expandable structure comprises a balloon.

17. (original) The device of claim 14 wherein the expandable structure is an inflatable structure.

18. (original) The device of claim 17 wherein the inflatable structure is a compliant balloon.

19. (original) The device of claim 17 wherein the inflatable structure is a non-compliant balloon.

20. (Currently Amended) The system of claim 14 wherein the ~~evacuator~~ evacuating means extends distally from the expandable structure and terminates within the stomach.

21. (original) The system of claim 14 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

22. (original) The system of claim 21 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

23. (Currently Amended) The system of claim 21 wherein the fastener is carried by the ~~evacuator~~ evacuating means.

24. (original) The system of claim 14 further comprising an endoscope that extends through the expandable member.

25. (Previously presented) The system of claim 14 wherein the expandable structure forms a spherically shaped ring when expanded.

26. (Currently Amended) The system of claim 25 wherein the spherically shaped ring includes an axial passageway and wherein the ~~evacuator~~ evacuating means extends through the passageway.

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